

material.” It is submitted that this amendment to the claim language sufficiently addresses the Examiner’s concerns regarding the preamble-claim agreement.

A new dependent Claim 10 has been added in which the “bulk form” language has been maintained. It is submitted that page 11, lines 3-6, of the specification supports this new claim. It is requested that the rejection be withdrawn in light of these amendments.

Claims 8-9 have been rejected under 35 U.S.C. 102(a) as anticipated by Japanese Patent No. 11-289030 (hereinafter the “Ninomiya patent”). The Examiner has taken the position that the composite material of the Ninomiya patent is identical to or “only slightly different” from the composite material prepared by the method of the present claims. The Examiner has advanced that the composite material of Ninomiya is composed of carbon dispersed into the aluminum matrix alloy. It is submitted that the Examiner’s rejection is not well taken.

It is observed that the Ninomiya patent intersperses carbon fibers rather than particles in the aluminum matrix. It is submitted that the present invention does not use fibers. Additionally, it is submitted that the present invention is directed towards the “homogenous” distribution of the dispersion material in the base material throughout the composite material (see page 5 of the specification). Therefore, the present specification implicitly eliminates the use of such fibers in the present invention as such a fiber cannot be homogeneously applied throughout a matrix.

Thus, it is submitted that the present invention is different from that of the Ninomiya patent because the Ninomiya patent teaches the use of fibers and the present

invention does not (and cannot) use carbon fibers. Additionally, it is submitted that the use of such carbon fibers would not permit a uniform distribution (i.e., homogenous distribution) of carbon and aluminum throughout the composite material. This is because the carbon fibers of the Ninomiya patent are located in discrete areas of the composite material and are not homogeneously interspersed throughout the composite material.

Additionally, new Claim 11 has been added to the application and it is supported by page 5, last line, of the specification in which the homogenous application of the dispersion material is discussed. Therefore, it is submitted that the rejection is improper as to this new claim as well. Finally, a new Claim 12 has been added which is supported by page 8, lines 3-8, of the specification. It is submitted that the rejection is not well taken as to this claim either. In light of the above arguments and amendments, it is submitted that the rejection is not well taken and it is requested that the rejection be withdrawn.

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Respectfully submitted,



D. Daniel Dzara, II
Registration No. 47,543

ARENT FOX KINTNER PLOTKIN & KAHN, PLLC
1050 Connecticut Avenue, N.W.,
Suite 600
Washington, D.C. 20036-5339
Tel: (202) 857-6000
Fax: (202) 638-4810

DDD:ksm

Attachments: Marked-Up Copy of the Claims

MARKED UP COPY OF THE CLAIMS

8. (Twice Amended) A composite material, wherein said composite material is manufactured by [the] a method [according to claim 1] using a metal, nonmetal, or a compound thereof as a base material, and at least one kind of a metal, nonmetal, or a compound thereof, which is different from that of the base material, dispersed as a dispersion material, said method further comprising (i) evaporating the metal, nonmetal or compound thereof of the base material and the metal, nonmetal, or compound thereof of the dispersion material either simultaneously or alternately to obtain evaporated particles; (ii) and depositing the evaporated particles on a substrate to form the composite material.